

OVED & OVED

ATTORNEYS

November 9, 2023

VIA ECF

Magistrate Judge J. Brendan Day
United States District Court
District of New Jersey
402 East State Street
Trenton, NJ 08608

Re: *CMT Developer LLC, et al. v. ACIER Holdings LLC, et al.*
D.N.J. Docket No: 3:21-cv-12517

Dear Magistrate Judge Day:

This law firm represents Plaintiffs in the above-referenced matter. We write, pursuant to the Court's recent order (ECF No. 75) and jointly with Defendants' counsel, to advise that the parties have exchanged paper/electronic discovery.

Plaintiffs' review of Defendants' production reveals significant deficiencies including, *inter alia*, that only three months of bank statements have been produced for three accounts, despite the fact that (a) years of bank statements are relevant to Defendants' position in this case; and (b), tellingly, a significantly more robust production of financial information, including years of financial statements for numerous accounts, was made by Defendants during mediation (which cannot be used here). Defendants' counsel has confirmed said deficiency but has not indicated any intent to remedy same. In contrast, Plaintiffs have produced a wealth of relevant financial information spanning years and intend to supplement their own production regarding other matters in the coming days.

Defendants' position is that document discovery is currently still in progress. On the day the parties agreed to produce documents, Plaintiffs only produced 432 documents. Over a week later, and approximately three weeks ago, Plaintiffs made a supplemental production of 12,861 documents. Defendants' review of these documents for potential deficiencies is ongoing. Separately, less than three weeks ago, Plaintiffs raised with Defendants on a brief call (related to another matter) the fact that, in Plaintiffs' view, Defendants' production did not contain certain financial information requested by Plaintiffs and produced in the mediation. Defendants' counsel noted on the call that Defendants had objected to the breadth of Plaintiffs' requests for financial information, but that Defendants would review their production concerning said deficiencies. Currently, though Defendants reserve all rights, Defendants are in the process of preparing a supplemental production of documents to address certain of these alleged deficiencies. Defendants respectfully request that the parties be given additional time to complete document productions (including remedying any deficiencies), move forward with depositions, and prepare this case for the summary judgment stage.

We thank the Court for its time and attention to this matter..

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Respectfully submitted,

A handwritten signature in blue ink, consisting of a stylized 'A' followed by 'J. Solomon'.

Aaron J. Solomon